

CHANGES TO THE DRAWINGS

Fig. 3 has been amended to shorten the line to element 6a.

Please delete previously submitted new Figure 8.

Attachment: One replacement drawing sheet

REMARKS

The drawings were objected to under 37 CFR 1.83(a). The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4). The amended specification is objected to under 35 U.S.C. §132(a) because it introduces new matter into the disclosure. Claims 23 to 31 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 23 to 33 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent No. 196 40 393 A1 to Kraus et al. (hereinafter "Kraus"), in view of Applicant's Admitted Prior Art (Specification Page 1, hereinafter "AAPA"), and Patent No. WO/2003/065380 A1 to Georgii (hereinafter "Georgii"). Claim 33 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kraus in view of AAPA and Georgii.

The specification has been amended to remove language objected to by the Examiner. Claims 23, 31, 32 and 33 have been amended and claims 26 to 29 canceled without prejudice.

Reconsideration of the application based on the following remarks is respectfully requested.

Interview Summary

Applicant's representative William Gehris (Reg. No. 38,156) and Examiner Mondt conducted a telephonic interview on August 26, 2009, and Applicant's representative thanks Examiner Mondt for his careful analysis and comments. The rejections were discussed, and Applicant's representative proposed removing "at least one of" from the preamble for clarity to claims 23, 32 and 33. The previous specification amendments and figure changes were discussed, and the Examiner noted that the changes to Figure 8 were in his opinion new matter. Changes to overcome the 112 rejection regarding support structure were discussed, and the Examiner stated he would give careful consideration to these changes. A full translation of Kraus was discussed, and Applicant's representative noted that the "Koecher" or heater 40 of Kraus, asserted as the loading structure, is not itself "plac[ed]... in a pool" as claimed but rather, at most, has water inside it. In addition, the Koecher is for a single capsule, and is never transported as claimed in claims 32 and 33. The Examiner noted these points, but no final agreement was reached.

The application has been amended to conform to the Examiner's comments and Applicant thanks the Examiner for his assistance.

Drawing and Specification Objections

The drawings were objected to under 37 CFR 1.83(a).

Claim 23 has been amended without prejudice to remove support structure as a limitation as suggested by the Examiner and withdrawal of the objection to the drawing on this ground is respectfully requested.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4). The Office Action mistakenly confuses 6a and 6b. 6a is the cladding and 6b are the pellets, as disclosed in the text of the specification. The line for 6a has been shortened to clearly go to the cladding.

The previous specification amendments were objected to.

As a result, the previous new Fig. 8 has been canceled and the specification amended without prejudice to remove the asserted new matter. Claims 26 to 29 have been canceled to no longer claim the warehousing arrangement as a further element.

Withdrawal of the objections to the drawings and specification is respectfully requested.

35 U.S.C. §112 Rejections

Claims 23 to 31 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claim 23 has been amended so as to no longer specifically claim the support structure as suggested by the Examiner.

Withdrawal of the rejections to claims 23 to 31, under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 23 to 33 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23, 32 and 33 were amended to remove "at least one" in the preamble so that subsequent is now clear.

Withdrawal of the rejections to claims 23 to 33, under 35 U.S.C. §112, second paragraph, is respectfully requested.

35 U.S.C. §103(a) Rejections

Claims 32 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kraus, in view of AAPA and Georgii.

Claim 32 recites “placing a loading structure in a pool.” Asserted Koecher 40 is not placed in a pool, but rather at most has *water inside it* to heat a capsule. In addition, Kraus does not teach “transporting and storing the leaky fuel rods inside the capsules placed in the loading structure.” In Kraus the capsules are not transported or stored in the Koecher 40, but rather are taken out of Koecher again for further transport or processing.

Withdrawal of the rejection to claims 32 and 33 under 35 U.S.C. §103(a), is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully Submitted,

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By: 
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